

UNITED STATES PATENT AND TRADEMARK OFFICE

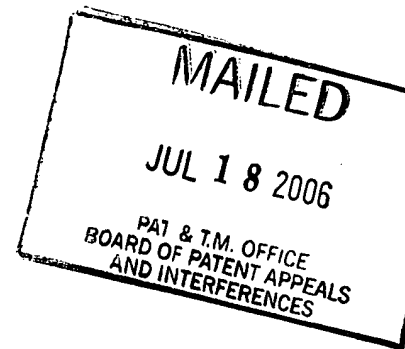
BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte CECILE DROGOU,
THIERRY PASQUIER,
LINE SUNDE, AND
AURELIE FONTANEL

Application No. 10/053,497

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received electronically at the Board of Patent Appeals and Interferences on July 6, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.



An Information Disclosure Statement (IDS) was filed on June 30, 2003. A review of the Image File Wrapper reveals that the examiner has not considered the IDS. According to MPEP § 609 which states:

“ The Examiner must also fill in his or her name and the date the information was considered in blocks at the bottom of the PTO-1449 or PTO/SB/08A and 08B form.”

Lastly, on page 3, paragraph 9 of the examiner's answer, the examiner has stated that “No evidence is relied upon by the examiner in the rejection of the claims under appeal.” A review of the file reveals that references to Yang (U.S. Patent No. 6,207,248), Milks (U.S. Patent No. 5,401,791, and Dupont et al. (U.S. Patent No. 5,325,781) were applied to the statement of rejections in the Grounds of Rejection, paragraph (10) of the examiner's answer. Before further review, the examiner must submit a corrected examiner's answer that will include in the Evidence Relied Upon section, the list of references mentioned in the statement of rejections. See the Manual of Patent Examining Procedure, (MPEP) §1207.02. Appropriate correction is required.

Accordingly, it is

ORDERED that the application is returned to the Examiner for:

- 1) consideration of the IDS filed on June 30, 2003;
- 2) vacate the Examiner's Answer mailed February 9, 2006, and issue a revised Examiner's Answer having the missing references listed under the Evidence Relied Upon section, paragraph (9); and
- 3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: 

DALE M. SHAW
Deputy Chief Appeal Administrator
(571) 272-9797

DMS/dal

CYNTHIA L. FOULKE
NATIONAL STARCH AND CHEMICAL
COMPANY
10 FINDERNE AVE.
BRIDGEWATER, NJ 08807-0500